

09/590,92200AB045**REMARKS**

Claims 1, 4-11, and 13-21 are currently pending in the subject application and are presently under consideration. Claims 1, 11, 20, and 21 have been amended herein. New claims 22-24 have been added herein. A listing of all claims is at pages 2-6.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1, 4-11, and 13-20 Under 35 U.S.C. §103(a)**

Claims 1, 4-11, and 13-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Electro-tech systems, Inc. (ETS) "Ground strap testers" (09/1997). This rejection should be withdrawn for at least the following reasons. ETS does not teach or suggest each and every aspect set forth in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §706.02(j). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The present invention relates to systems and methods for an indicator apparatus having one or more indicators that are viewable from multiple directions. Independent claim 1 has been amended herein to set forth the aspect of "at least one retaining tab associated with the at least one elongated strip of substantially translucent material, the retaining tab secures the at least one elongated strip of substantially translucent material to the housing." Independent claims 11 and 20 have been amended to emphasize similar novel aspects. Support for the subject claim amendments can be found in the specification at, for example, Page 6, lines 21-23: "A retaining

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tab 70, 72, 74 also extends from the bottom side of each respective strip 50, 52, 54 spaced apart from the receptacle." ETS does not teach or suggest such aspect of the claimed invention.

In contrast, ETS is a utility wiring verifier that provides verification to determine if an outlet has been correctly wired. Nowhere in the Examiner's cited sections or elsewhere in the ETS document is the aspect of retaining tabs that secure a strip of substantially translucent material to an indicator housing even mentioned. Indeed, ETS is silent with regard to this aspect of applicants' invention as set forth in the subject claims.

In view of at least the foregoing, it is submitted that ETS does not make obvious the invention as recited in independent claims 1, 11 and 20 (and claims 4-11, 13-19, and newly added claims 22-24, which depend there from). Accordingly, this rejection should be withdrawn.

## II. Rejection of Claim 21 Under 35 U.S.C. §103(a)

Claim 21 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Schneider *et al.* (U.S. D391,182) in view of ETS. It is submitted that this rejection should be withdrawn for at least the following reasons. Neither ETS nor Schneider *et al.*, alone or in combination, teach or suggest every aspect set forth in the subject independent claim.

Claim 21 has been amended herein to include novel aspects similar to those introduced in independent claims 1, 11, and 20. Specifically, claim 21 now sets forth the aspect of "*a retaining apparatus that secures the at least one elongated strip of substantially translucent material to the housing and over the light source.*" As stated above with respect to Section I, ETS does not teach or suggest this aspect of the subject claims.

Schneider *et al.* fails to overcome the deficiencies of ETS with respect to this aspect of claim 21. Specifically, nowhere in the Examiner's cited sections of Schneider *et al.* or otherwise, is a retaining structure even mentioned, let alone a retaining structure that secures an elongated strip of substantially translucent material to an indicator housing. Accordingly, withdrawal of this rejection is respectfully requested.

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09/590,922CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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